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ENVIRONMENTAL ASSESSMENT, GUIDELINE ON CONSULTATION IN  
THE ENVIRONMENTAL PROCESS. DRAFT #2, 1994.



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# ENVIRONMENTAL ASSESSMENT

## Guideline on Consultation in the Environmental Assessment Process

### Draft #2

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## 1.1 About the *Environmental Assessment Act*

The Environmental Assessment (EA) Act is a decision-making process used to promote good environmental planning through the assessment of the potential effects on the environment of activities proposed in response to a particular problem or opportunity. Good environmental planning ensures that those with a potential interest in a particular proposal — be it a road widening, a utility transmission corridor, or a landfill site — are provided through **consultation** with opportunities to effectively participate in the process.

## 1.2 About this Guidance Document

This *Guideline on Consultation in the Environmental Assessment Process* was developed in consultation with those who will use it: proponents, engineers, planners, consultation practitioners, participants, government review agencies, lawyers, and members of the Environmental Assessment Board.

## 1.3 Purpose of this Guidance Document

The purpose of this Guideline is to provide guidance on:

- how consultation strengthens the soundness of the planning process and selected alternative;
- what to consider before designing and implementing consultation programs;
- the importance of developing consultation programs that generate realistic expectations for all involved;
- the importance of evaluating and revising consultation programs as necessary during an environmental assessment process;
- what the EA Branch, government agencies and the public will look for when reviewing documents submitted as part of an environmental assessment process.

"...the Board's view is that the public consultation process for this undertaking was quite comprehensive. It reflects an elicitation of public information and concerns, followed by a real attempt to have those concerns figure in the final decision respecting alternatives chosen, final design, and remedial measures..."  
— *Highway 16 Corridor Application Ministry of Transportation, Environmental Assessment Board, 1987*



Although written primarily for proposals requiring an individual EA, this Guideline will be of relevance to projects required to comply with the Class EA process and the Environmental Protection Act as well. The contents of this document should be considered along with any other relevant Guidance materials available from the EA Branch, including the Individual and Sectoral EAP documents, or the appropriate parent Class EA document.

#### 1.4 Who will use this Guideline:

- proponents in their design and development of public and agency consultation programs;
- government ministries and agencies asked to participate in the planning process, review or comment on environmental assessments;
- interested parties who wish to participate in the environmental assessment planning process;
- the staff of the Environmental Assessment Branch, when reviewing a proponent's consultation program throughout the process;
- the Environmental Assessment Board in their assessment of a proponent's planning process.

Inadequate consultation has resulted in some projects, normally eligible for the Class Environmental Assessment process, to be "bumped-up" to meet the more extensive requirements of an individual environmental assessment. Proponents have also been asked after their initial submission, to "return to the drawing board" and fully document their consultation and decision-making process.

".... it is critically important that the reasons for resistance and complaint by local communities be genuinely examined and addressed. Only in this way will these communities gain more trust in the process... without that trust, the process breaks down and ceases to operate effectively or efficiently"

— *Eastview Road Landfill, Guelph, 1993*



## 2.1 What is consultation?

Defined broadly, consultation describes a **reciprocal** communications process between the proponent and those consulted, and the provision of opportunities for those consulted to **influence decision-making**. The degree to which those consulted can affect decision-making varies widely, and depends on:

- the nature of the proposed undertaking;
- the unique characteristics of the interested parties and those affected; and
- the capabilities and preferences of the proponent.

One of the most important things about a consultation process, is to make clear how decisions will be arrived at, who will be making them, and what role those consulted can expect to have in arriving at decisions. In some cases, interested parties may not wish to be involved in the decision-making and make clear their preference that the proponent “get on with it”. In others, the proponent may be constrained as to which decisions those consulted can have an impact — for instance, complying with legislation, or the corporate planning decisions made by the head office of a private company.

### Examples of Consultation scope

#### *Information Program:*

Information programs may be used when no sharing of decision making is possible or when no decisions are needed. Information is provided to interested parties without any expectations for feedback. This style may be appropriate when it is important that stakeholders be informed about conditions of environmental health or program status.

#### *Information Plus Feedback:*

Information plus feedback programs are used to provide information and solicit feedback on the planning process and decisions. The feedback from interested parties may, or may not, be used in decision-making. This style is appropriate only when the stakeholders do not expect to share fully in decision-making.

#### *Joint Planning*

In a joint planning program, the proponent and public develop the process, guide the technical work and arrive at decisions together. Decisions are made cooperatively. This style may be appropriate where the proponent is willing to share decision-making with interested parties.

#### *Delegated Authority:*

Delegated authority differs from joint planning in that the proponent delegates authority for all, or certain, decisions to stakeholders. When choosing this style, the proponent must be willing to hand over decision-making authority to the public.

#### *Community-Based Decision-Making:*

When the public manages the planning process and arrives at decisions on behalf of the proponent, this is a community decision-making style. This style differs from joint planning or delegated authority in that the public has overall control of all of the final decisions (acknowledging all regulatory requirements). This style may be appropriate where the proponent is committed to selecting solutions that are supported fully by the community. The proponent may act as a resource and facilitator in the planning process.



## 2.2 Who is to be consulted

Consultation during an EA process is with two principal audiences. Various government ministries and agencies (such as conservation authorities) have an interest in any proposed undertaking that may be subject to laws, regulations or policies for which they are responsible. In addition to their legislative mandate, staff from government review agencies offer professional expertise to assist a proponent in the decision-making process. Participation from Government Review Agencies ensures that the selected alternative will comply with the laws and policies of the government of Ontario and local by-laws.

Interested parties are either groups or individuals that have an interest in or are affected — either directly or indirectly — by a particular proposal. Interested parties bring critical local knowledge of the area and can identify those issues or conflicts a proposal may potentially pose.

## 2.3 Why proponents consult with agencies and the public — The benefits of consultation

Although consultation is not an explicit requirement of the EA Act, the Ontario Ministry of Environment and Energy has had in place since 1978 a policy recommending consultation be conducted as part of an EA process. Consultation is widely practiced in environmental planning in Ontario because it provides:

- first-hand information of the study area, alternatives and their impacts;
- an improved understanding of environmental concerns and impacts and therefore better informed, environmentally sound decision-making;
- opportunities for those potentially affected to develop measures to mitigate negative effects, enhance positive ones and contribute to decision-making;
- information on any permits, licenses, or other regulatory requirements.

Fundamentally, consultation results in a more focused planning process and lays the ground work for a mutually beneficial, on-going relationship between the proponent and those with an interest in the undertaking.

One proponent, responding to suggestions from the public for an alternate transportation alignment than the one selected by the consultant, responded by completing a similar level of analysis for both and eventually choosing the alternative preferred by the public. Similarly, another proponent incorporated the recommendation of its Public Liaison Committee for rolling topography into the final design of the project. Both projects went forward unopposed.

One proponent, proposing the development of a sewage treatment facility for a large metropolitan area, received comments during the consultation that additional alternatives should be more fully explored, including conservation activities, and the possible expansion of existing facilities. As a result, the facility proposed was scaled down, and resulted in significant cost savings and fewer negative impacts.



## 2.4 The Environmental Assessment Board and Consultation

Past decisions by the Environmental Assessment and Joint Boards have criticized proponents for not having consulted adequately with those potentially affected by an undertaking. Increasingly the EA Board has been placing a higher priority on the resolution of conflicts and issues earlier in the planning process, prior to the commencement, or in place of, a judicial hearing. Consultation is the principal means available to achieve this.

## 2.5 Consultation and Assessing Social Impacts

There is a close link between consultation and the technical discipline of Social Impact Assessment (SIA), as both involve working with communities potentially affected by a proposal. However the purpose of each differs.

Social Impact Assessment is designed primarily to meet the requirements of Section 5.3 of the EA Act by providing the proponent with information on the potential effects of the undertaking on the social environment.

Although consultation is also a source of information to the proponent, in addition consultation is a two-way communication process that provides interested parties with an opportunity to influence proponent decision-making. Further, consultation provides a forum for resolving issues or conflicts the preferred alternative may pose.

## 2.6 Principles in designing and conducting effective consultation in the EA Planning Process

At the outset of their EA planning process, proponents are encouraged to develop a set of principles to guide the consultative process. Principles set the tone of the consultation process, and reassures potential participants of the value of the process.

It may be that a proponent has a set of principles already in place, perhaps as part of a corporate Vision Statement or strategic plan. Perhaps these can be easily adapted to become part of the consultation program. Proponents may find it helpful to include in their initial consultation the principles they propose, for adoption or modification.

### Sample Guiding Principles of Consultation:

**Respect:** for all people involved in the process, for differences of opinion, for different bottom-lines, and for those who choose not to participate;

**Clarity:** for proponents to be clear about those decisions upon which participants can have an impact, and those decisions which are outside the consultative process; for participants to openly share information and be clear about their interests and issues; on what commitments have been mutually agreed to;

**Accessibility:** that the onus remains with the proponent to make the process open to all throughout, and to attempt to remove any barriers to participation;

**Mutual responsibility:** that proponents, participants and reviewers share in the responsibility for making consultation effective — in their willingness to consult and be consulted, providing timely input and responses;

**Community values:** the consultation program as part of an EA process should take into account the values of the community in which it is being conducted.



### 3.1 Planning and Technical Evaluation

Planning processes covered under the EA Act usually consist of a series of planning steps and decisions. Consultation with both agencies and interested parties occurs at each of these steps.<sup>1</sup>

When planning and conducting an environmental assessment process, some of the key aspects proponents usually consult on are:

- how and at which points in the process consultation will take place, and the resultant Consultation Plan;
- the proposed sequence of decision steps;
- the data base that is to be used to conduct the technical evaluation;
- the alternatives proposed to be evaluated;
- the methods proposed for assessing the alternatives;
- any predicted environmental effects;
- any concerns or issues the undertaking may pose;
- the methods proposed to resolve concerns or issues, and potential mitigation measures;
- the final evaluation of alternatives and selected alternative.

### 3.2 Review

Once a proponent submits their EA document for an approval decision, the EA Branch coordinates a review of the documentation of the process, and solicits input from government review agencies. The EA Branch strongly encourages the public be given their opportunity to conduct a review of the documentation submitted, at the same time the government review is taking place, so that their comments can be included in the review the EA branch will publish.

Concurrent with agency and public review, the EA Branch conducts its own review, assessing if the planning process followed by the proponent has been clearly and concisely documented, and that the process has complied with the requirements of the EA Act, and the guidelines and policies administered by the Branch. Included in their review is an assessment of the effectiveness of the consultation program.

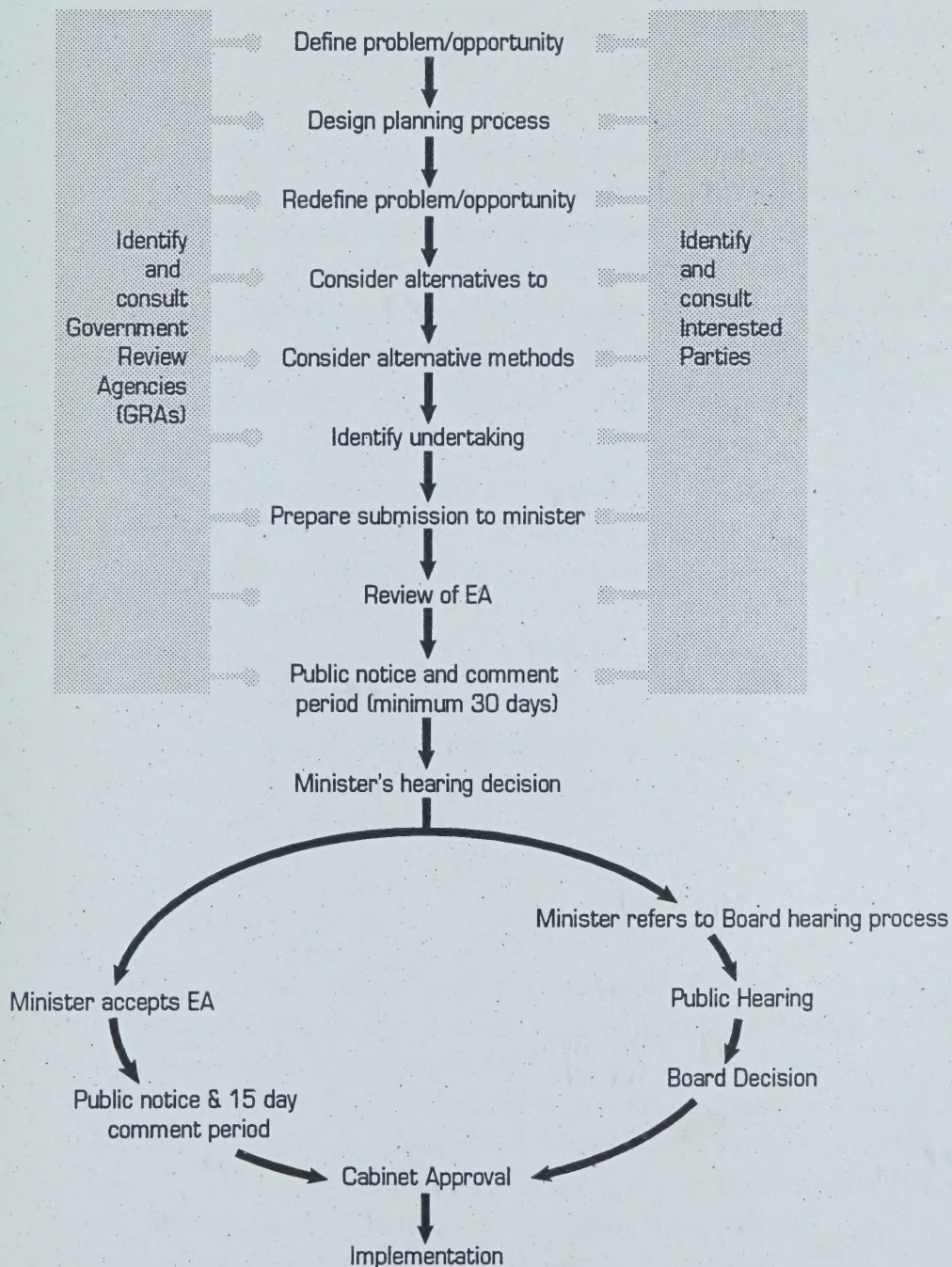
The review period also provides a further opportunity to address any issues that have not been resolved and may include the development of Terms and Conditions and other agreements among parties to produce a better undertaking.

<sup>1</sup>The accompanying chart and figure provides an overview of the EA process, decision steps, and how consultation fits in

"Regardless of whether it is required, it is to a proponent's considerable advantage to involve the public in a meaningful way from the earliest stages of project development. It is the Board's opinion that the environmental assessment here would have been considerably improved if the proponents had taken advantage of the expertise and judgment of the members of the public ..."  
— Meaford/  
St. Vincent  
Application, Joint  
Board, 1990



## Environmental Assessment Process at a glance



"EA Board decisions have strongly supported the importance of meaningful public consultation during the development and application of the criteria used to evaluate the alternatives and select the preferred undertaking. Although meaningful public consultation does take time, it provides an opportunity for a progressive proponent to benefit from local knowledge and address contentious issues. ... An early and ongoing investment in meaningful public participation would have directed the EA on a more environmentally and socially acceptable path that would have been less likely to require a lengthy MOE Review and a hearing."

— *Storrington Landfill Site Application, Environmental Assessment Board, 1993*



The review phase is completed when the EA Branch releases a report summarizing its findings and the Minister has reached a decision to either approve the proposed undertaking, return it to the proponent for further study, or refer it to the Environmental Assessment Board or Consolidated Hearings Board for a public hearing.

### **3.3 Project Implementation**

Implementation begins following approval of the undertaking by the Minister. Although the formal EA process is complete at this point, consultation continues to play an important role in the implementation of any Terms and Conditions of approval and any monitoring requirements. There is a wide range of consultative activities that may be appropriate at this time — from toll free information hot-lines to Facility Liaison Committees.



## 4.1 Proponents

As initiators of projects subject to the EA Act, proponents bear principal responsibility for the design and implementation of consultation as part of their overall EA planning process.

Proponents are responsible for:

- initiating consultation;
- identifying what degree of agency and public involvement is appropriate at each decision-point, depending on the scope of the project and the willingness and capability of the proponent to share decision-making;
- identifying those agencies with an interest in the proposal;
- identifying initially and throughout the process interested parties (stakeholders), including those likely to be directly affected and any others that may be potentially affected, of the proposal;
- designing and implementing a consultation program that provides **opportunities for reciprocal communication**;
- monitoring the effectiveness of the consultation program, and adjusting as necessary;
- addressing and, where possible, resolving issues and concerns raised through the consultation process.

During the review, the role of the proponent is to respect the concerns, risks and uncertainties raised by the reviewers and the public, and to make every effort to address them.

## 4.2 Interested parties

Interested parties are those who consider themselves to have an interest in the undertaking. Interested parties — often referred to as *stakeholders* — are encouraged to participate in the planning and evaluation of potential undertakings that will affect them or in which they have a particular interest. Although interested parties are voluntary participants in the EA process, their role is a critical one in ensuring that an environmentally suitable alternative is selected, and any impacts are minimized.

Parties with an interest in a particular project often include special interest groups, municipal and regional governments, First Nations<sup>2</sup>, organizations from the local community, neighbours and individuals.

<sup>2</sup>Consultation with First Nations is conducted in accordance with the Statement of Political Relationship approved... A Guidance document that deals specifically with consulting First Nations as part of an EA process can be obtained from the EA branch.

"(The purpose of the Environmental Assessment Board is to)... make good decisions for the protection, conservation and wise management of the environment, using traditional and creative mechanisms at any point in the environmental assessment process"  
— *Strategic Plan of the Environmental Assessment Board of Ontario, 1994*,



The role of interested parties is to:

- participate in the consultation opportunities provided throughout the planning process;
- provide the proponent with timely input that improves the decision-making process;
- identify issues and concerns the proposal may pose, as they arise throughout the process;
- work with the proponent and agencies to arrive at mutually agreeable solutions that resolve issues and concerns as they arise.

### 4.3 Government Review Agencies

Various government ministries and agencies have a statutory responsibility to ensure projects subject to the EA Act are in compliance with any legislation, regulations and policies under their jurisdiction. Proponents are encouraged to involve relevant agencies from the outset of their planning process.<sup>3</sup>

The responsibilities of government agencies include:

- to identify any legislation, regulations and policies under their jurisdiction with which the proposal must comply;
- to provide consistent input throughout the course of a planning process, or with relevant rationale if their position changes;
- to provide the proponent with timely input that facilitates good decision-making;
- and finally, to ensure the selected alternative is in compliance with any legislation, regulations and policies under their jurisdiction.

<sup>3</sup>For a list of potential Government Review Agencies see Appendix C. In addition, the EA Branch of the MOEE maintains an updated list of "Review Agencies" that proponents are encouraged to obtain from the Branch and refer to when designing the agency portion of their consultation program.

"There is a growing perception of the value of public participation both prior to and at the hearing. It is to a proponent's advantage to apprise itself of the views, concerns and information at an early stage where some form of dialogue may take place rather than in the adversarial process of a hearing where positions and attitudes have hardened. In this way, changes can be made to resolve concerns."  
— North Simcoe, Joint Board, 1989



#### 4.4 The Environmental Assessment Branch

The principal responsibility of the EA Branch is to ensure the requirements of the EA Act are met, and that the planning process fulfills the requirements of those policies and guidelines prepared by the Branch. The specific role of the EA Branch is:

- to provide information to proponents and interested parties on the requirements of the EA Act;
- to encourage an effective EA planning process;
- to evaluate the planning process followed by a proponent against the requirements of the EA Act and the policies and guidelines established by the MOEE;
- to facilitate the review of the proponent's submission by government review agencies and the public;
- to encourage the resolution of outstanding issues among the parties;<sup>4</sup>
- to make a final recommendation to the Minister of Environment and Energy of the acceptability of the process.

One proponent initiated an EA planning process to develop an urban park that would bring a variety of benefits to the host municipality and users. An idea long in the making, the proponent entered into the process with a pre-conceived idea of all aspects of the undertaking. The process was soon stalled, as the efforts of the proponent were overly focused on the defense of its original conception, rather than on harnessing the enthusiasm and ideas of those with an interest in the undertaking. The project was turned around when the proponent adjusted its previous notions to incorporate the ideas of participants, and a new plan was mutually arrived at.

<sup>4</sup>A more detailed description of the role of the EA Branch staff can be found in **Guideline name.**



### 5.1 IDENTIFICATION OF INTERESTED PARTIES — government ministries and agencies, organizations, groups and individuals are invited to participate

One of the hallmarks of successful environmental assessments is the early identification of interested parties.<sup>5</sup> Proponents are encouraged to define as broadly as possible who the interested parties may be. It is better to have cast the net wide at the beginning than find part way through the process that certain interests were left out.

Once interested parties have been identified, developing a social profile will help identify the literacy levels, linguistic and cultural composition, geographic distribution, and lifestyles of those to be consulted. These considerations have a bearing on how the consultation should be designed and conducted.

Those affected can change over the course of an EA process, and the onus rests with the proponent to facilitate the entry of new participants at any point in the process.

The thorough identification of interested parties:

- assists the proponent in determining what stakeholder interests and needs are;
- ensures the proponent derives the full benefit of community knowledge in arriving at decisions;
- minimizes the possibility of parties coming in at the end of a process leading to unforeseen delays.

One proponent, faced with a very controversial landfill siting project in a community comprised of both rural and urban areas, retained a consultation practitioner to design and coordinate the consultation program. Rather than involving the practitioner in the delivery of the program, staff from the proponent were responsible for implementation. As a result, the practitioner was able to remain at arm's length from the proponent, and brought to the process an objectivity that enhanced trust between the parties.

<sup>5</sup>A list of government agencies to be considered is included in Appendix C



## 5.2 CLEAR OBJECTIVES — the goals and objectives are made clear from the outset and set out in a Consultation Plan

At the outset, proponents are encouraged to consult with potential participants on how they would like to be involved in the process. Based on that preliminary feedback, proponents should establish the objectives of consultation for each stage of the process, and develop a Consultation Plan to include:

- about what and which decisions participants will be consulted on and at which points in the process;
- who is to be consulted;
- what methods will be used to consult;
- what role those consulted will play in arriving at decisions; and
- how the consultation program will be monitored to ensure its effectiveness.

The objectives of consultation programs vary greatly, depending on the complexity of the undertaking, the significance of the anticipated impacts, the composition of the community affected, and the mandate of the proponent. Questions to consider when developing the Consultation Plan: How has the community historically responded to change? Is the proposal likely to be contentious? What level of interest from the public and agencies is anticipated? What specific information needs will they have?

As objectives of the consultation program may change part way through, the proponent is encouraged to re-evaluate them periodically to ensure their appropriateness throughout the life of the process, and to revise the program where appropriate.

A consultation program with clear objectives:

- ensures proponents, participants and reviewers have realistic expectations of their role in the process;
- enhances the level of trust between affected parties and the proponent;
- provides benchmarks against which the program can be measured.

Seeking input from a broad cross-section of the public about the development of a large scale rapid transit service, the proponent used postage-paid post cards which were available at transit stations and in vehicle dispensers. There was a very high return rate of the cards, and the input received affected station location and design.

"The parties, along with their counsel and technical advisors, deserve recognition and praise for their conciliatory efforts made prior to and during the hearing. The fruit of their labour is only too evident: a hearing which could have lasted weeks, at enormous cost to the public purse and local residents, was concluded in just three days. More importantly, the outcome was fashioned by the parties directly

— *Sarnia Landfill Application, Joint Board, 1994*



### 5.3 APPROPRIATE RESOURCES — an adequate budget and staff is assigned to conduct the consultation program

The resources needed to consult — both human and financial — depend on the nature of the undertaking, the needs of the community, and the capabilities of the proponent. Some projects may be conducted by municipal staff while others may require a professional facilitator. Important to the success of consultation is the identification of a central contact person, to whom participants can direct their questions and comments.

Cost-effective consultation programs should be designed with realistic budgets that include a contingency amount in case unexpected levels of interest are generated, or extra effort is required.

Appropriate resources ensure:

- participants receive information in a timely fashion and are equipped to participate effectively;
- issues or concerns raised by participants are addressed and responded to efficiently;
- specific concerns raised through the consultation process reach the appropriate member of the Study Team or the proponent and are addressed.

One municipal proponent with industry support, produced a video on waste management initiatives underway throughout the County, and made copies available throughout the study process.

#### Ideas on how to obtain timely agency feedback:

- Send a letter with check-off boxes asking when they want to be consulted, how, and about what;
- Circulate an executive summary of any documents, and send only the detailed reports to those who request them;
- Be clear what you need from agencies and how long you will be giving them to provide it;
- Don't intimidate the agency by sending too much paper — just what they need;
- Consider holding well organized briefing sessions to reduce agency reading time.



#### 5.4 APPROPRIATE METHODS — a mix of methods and techniques to inform and consult are selected according to the needs of the project and communities involved

Proponents should consider both the nature of the possible undertaking and the needs of the community when determining which consultation methods are selected. Different methods include: newsletters, press releases, public meetings, Information Centres, workshops, Open Houses, surveys and focus groups, radio and television programs, shopping mall displays, toll free telephone lines.<sup>6</sup>

Consulting with those who might wish to participate in the selection of consultation methods will result in a unique, and effective program.

Appropriate methods ensure:

- the target audiences of the consultation are reached;
- the input received is of relevance to the project and therefore of use to the process;
- an efficient use of resources allocated to consultation.

#### 5.5 IDENTIFICATION OF ISSUES — any issues or conflicts the process or alternatives pose are clearly identified

At the outset of an EA process, interested parties should be asked what issues they anticipate the proposal will raise, so that the Consultation Plan can be tailored to address them. Failure by the proponent to recognize issues early in the process can result in affected parties rejecting the consultation program as not relevant, and refusing to participate in consultation opportunities because community concerns are not being addressed.

Participants are encouraged to inform the proponent of issues as they arise, so that options can be fully explored and mutually agreeable solutions developed prior to the next step in the process. If participants do not raise their concerns and issues as they arise, the proponent will be restricted in its ability to fully explore alternatives and develop appropriate mitigation measures.

As part of their review of urban structures, one municipality generated a great deal of public interest in the project by setting up a display at the fall fair, and at various malls throughout the community. Members of the Study Team staffed the display, answered questions, and participated in lively discussions with passers by about the content of the study. Another proponent — this one a private company — set up a mobile trailer of information which was then able to be transported to different events throughout the area.

<sup>6</sup>For a more detailed description of consultation methods and techniques, see **Public Consultation Guide**, Ontario Ministry of Environment and Energy, 1994.



On-going issue identification:

- minimizes the possibility of having to re-visit past decisions;
- builds a sense of trust in the validity and relevance of the process;
- maximizes the opportunity for proponents and interested parties to arrive at mutually agreeable solutions prior to submission of the environmental assessment.

## 5.6 INTEGRATION OF INPUT FROM CONSULTATION WITH TECHNICAL WORK — technical consultants — either retained by the proponent or in-house — take consultation findings into consideration

Study designs must allow sufficient time to solicit, receive and integrate consultation findings into the technical work. The methodology selected for soliciting input — such as comment sheets, interviews or other methods — must produce data in a useful format.

Also important to make clear is what weight information and ideas obtained through consultation is to have on decision-making. For instance, how will traditional knowledge provided by aboriginal communities, or a community consensus on the weight to be given to a particular criterion — be considered.

One of the ways to reassure participants that their input is being taken into account, is to provide them with an opportunity for direct contact with those making the decisions — the proponent. This avoids the perception that the consultant is filtering the views of interested parties and that their comments are not reaching the proponent. Direct feedback can also prove effective in consulting with government agencies — for instance through the establishment of a technical advisory committee.

Integration of consultation input:

- provides a traceable and replicable decision-making process as required by the EA Act;
- ensures government ministries and agencies relevant legislation and policies are being taken into account;
- reassures participants of their value to the process.



## 5.7 RESOLUTION OF ISSUES AND CONFLICTS — proponents and interested parties work together to resolve issues and conflicts that arise

At the outset, proponents are urged to make every effort to address any issues that may remain outstanding from a previous project. Beginning with a “clean slate” is very important to the credibility of the both the process and the proponent.

Once the new process is underway, issues should be resolved as they occur, to avoid costly delays. Some basic steps to facilitate the resolution of issues include:

- meeting informally, one-on-one with those with specific concerns;
- initiating some smaller working sessions for interested parties to attend, to provide an opportunity for everyone to hear all sides;
- formatting meeting agendas to specifically address unresolved issues;
- establishing a citizen-led committee to provide a forum specifically for issue resolution.

If conflicts persist, the process may benefit from involving a third party to provide some balancing of power and neutrality to discussions. Various conflict resolution techniques (CRT) are available to proponents to use at any point in the EA process. These include:

### Participation

In the event that interested parties are refusing to participate in the process, the following steps may facilitate participants entering the process:

- Establish to the satisfaction of all parties and the proponent ground rules for any discussions.
- Interview each of the parties in dispute, identify their key concerns with the process and determine what has to change in order for them to participate.
- Develop some bridge-building measures — such as a face-to-face meeting with the proponent and parties — to demonstrate that both the proponent and participants are serious about arriving at mutually agreeable solutions.

To facilitate public input, one private sector proponent established a Study Group to meet regularly over the study time-frame to provide input to the technical team and proponent on key decisions and participate in organizing additional consultation activities such as open houses and mail outs. Another established a Public Liaison Committee (PLC) comprised of representatives from the local and regional municipalities, the proponent, residents, a neighbourhood rate payers group and an environmental non-governmental organization. Meetings were held as necessary, had a specific focus, and the proponent committed to full disclosure of all relevant information to assist the Committee. Although the PLC was not empowered to make decisions, the proponent was responsive to Committee suggestions. All participants valued an opportunity for frank discussion and the exchange of ideas.



## **Facilitation**

If parties return to the table, there may be a need for an objective person to facilitate the discussion of issues and concerns among the parties and with the proponent, to assist in arriving at mutually agreeable solutions. Facilitation is an art — it requires very careful listening to hear clearly what a person is really saying, ensuring others are receptive to what is being said, and encouraging all sides to work cooperatively in developing different solutions. In some cases facilitation may result in a consensus — when an agreement is reached to the satisfaction of everyone. In others, facilitation may at least result in a narrowed down list of issues that remain to be resolved.

## **Mediation**

Mediation is required when the proponent and participants have reached an impasse. Views have become entrenched on all sides, and no agreement can be reached. In this case, it may be helpful to have a mediator meet with each side separately to identify what the problems are, and then create a new process to resume discussions. Disputes requiring mediation are often emotionally charged and require skillful handling by an experienced professional.

## **Negotiation**

Negotiation is possible when all sides — the proponent and the parties — want resolution of the outstanding issues and are willing to engage in negotiations. An outside party is often necessary. Negotiation can involve several negotiators who act on behalf of participants and the proponent. Effective negotiation involves developing solutions that maximize the benefit to all but may require compromise and the consideration of trade offs.



## 5.8 PARTICIPANT SUPPORT — proponents equip those who wish to participate, and overcome any barriers preventing their participation

It is in the best interest of the proponent to ensure interested parties are equipped to participate in the consultation program. The Consultation Plan should realistically assess the capabilities and constraints of those to be consulted, and provide appropriate measures to support their participation. Appropriate support can take many forms and proponents are encouraged to be innovative in facilitating participation in their process.

At the same time, participants should have a realistic expectation of what level of support a proponent can provide. Participant support is an attempt to level the playing field and facilitate the identification and resolution of any issues the undertaking may pose, but there may be limits as to what a proponent can provide.

Proponents will find that providing support to participants may make the difference between a consultation program that works and one that does not. The nature of participant support should be in response to:

- the particular needs of those participating;
- the technical complexity of the planning process;
- the support resources available to the proponent.

For instance, if the Consultation Plan calls for a full day workshop, proponents may wish to provide support such as the reimbursement of travel costs or compensation for additional child-care costs.

In some instances the proponent is seeking very detailed comments from interested parties on some of the substantive aspects of the undertaking. In these cases participants may ask the proponent to make available the necessary resources for a peer review of the technical work.

Proponents are encouraged to consult with affected parties on what types of participant support they may require and when.

Participant support:

- facilitates the participation of interested parties and attempts to ensure no one is prevented from participating;
- acknowledges the volunteer efforts of participants;
- enhances the credibility of the EA process and the proponent.

To show its appreciation to members of the community who served on an EA advisory committee, a private sector proponent made a donation to a charity chosen by the Committee. This donation was in lieu of compensating committee members directly, as many were concerned that payment from the proponent beyond their expenses would jeopardize the perception of their neutrality.



### 5.9 DOCUMENTATION — providing interested parties and agencies with a clear description of how input was solicited, received, integrated, and responded to, and ultimately how it affected the EA planning process.

Documentation is one of the principal mechanisms of consultation. It provides the basis for review of the process by government ministries and agencies and the public, and allows participants an opportunity to see how their input has affected the process. Proponents may find the regular release of shorter reports to be more effective than producing a single larger consultation report to the end. Some proponents have found reports which list issues raised by participants and include the response of the proponent — often called Issue Tracking Reports — a helpful format. Proponents are encouraged in their submissions to include a description of any issues, concerns and conflicts raised during consultation and an outline of any agreements that have been mutually arrived at by the parties to address them. The EA Board Protocol for Consideration of Agreements among Parties stresses documentation of agreements “should be logical and traceable and include the rationale for each aspect of the agreement”.<sup>7</sup>

Under the Freedom of Information Act, members of the public can request access to any documentation prepared or received by the proponent or consultants that relates to the EA process. However, Privacy legislation prohibits the disclosure of certain types of information — the names of authors of correspondence received by the proponent for example.

Documentation should:

- be concise and easy to read;
- be released in a timely manner that facilitates the next decision step;
- summarize technical work done to date;
- provide an account of what consultation has taken place, with whom, and for what purpose;
- show what those consulted have said, about the process itself and the technical work;
- indicate how the input received has been taken into account, or not, and a rationale for each;
- summarize any agreements reached with interested parties and those issues that remain outstanding and why.

<sup>7</sup> See Protocol for Consideration of Agreements among Parties (1994), The Environmental Assessment Board of Ontario



### 5.10 EVALUATION — measures that determine the effectiveness of the consultation program

Evaluation measures should be in place at the outset of a process, and might simply be a list of questions asked repeatedly, such as:

- Are the objectives as stated in the Consultation Plan being achieved?
- Is the program generating the level of participation desired?
- Are there any barriers to interested parties participating in the process?
- Are the findings from the consultation program affecting the planning process?

Evaluating the consultation program:

- allows a proponent to reasonably determine when remedial steps are necessary, or when they've consulted enough;
- identifies the need to provide some sort of participant support, adjust the study schedule to ensure time for the integration of input, or choose alternative methods for soliciting participant involvement;
- prevents a poor consultation program going unnoticed until too late in the process.



Although consultation varies effective programs produce similar results. The following are indications of an effective consultation program:

- interested parties were aware from the outset of opportunities to participate; — there have been few latecomers; complaining they were unaware of the process;
- interested parties had a clear expectation of which decisions they would be consulted on;
- input from the consultation program was received in a timely fashion and was of relevance to the proposal;
- issues and concerns raised by interested parties were quickly responded to and addressed by the proponent;
- the input received had an impact on those decisions for which it was sought;
- the input received represented a cross section of viewpoints and values;
- the level of participation was appropriate to the nature of the undertaking and community experience;
- many issues and concerns were resolved as they arose, and those outstanding were clearly indicated in the documentation, along with a rationale for why they remain unresolved;
- by comparing consultation results with the goals and objectives in the Consultation Plan, the proponent monitored the effectiveness of the consultation program and made improvements where necessary;
- the proponent attempted to remove any barriers to participation by providing support;
- the documentation makes clear to the reader what the objectives of the consultation program were, how the proponent set out to fulfill them, how input from agencies and interested parties was taken into consideration by the proponent, what commitments the proponent has made to mitigate impacts, and any issues that remain unresolved.



## 7.1 Review and Evaluation of consultation program by the MOEE

In addition to coordinating the review of the submission by other government review ministries and agencies, the EA Branch is also responsible for determining if the planning process used by the proponent meets the requirements of the EA Act and the Guidance documents prepared by the Branch, including this Guideline. During the review, the EA Branch identifies as necessary to the proponent areas where additional information or further clarification is required to complete the review.

### What the EA Branch will look for when evaluating a consultation program:

- did the consultation program have **clear, explicit objectives**, and were there efforts to involve participants in their development;
- did the proponent ensure **appropriate resources** were available for consultation;
- were continual efforts made to identify **stakeholders** and opportunities provided for them to participate;
- did the consultation process ensure that **stakeholder interests, issues** and matters of **potential dispute** were **identified**;
- were an effective mix of **mechanisms selected**;
- was the **input** received through the consultation program **taken into account** by the overall study process;
- did the consultation program facilitate the **resolution of issues and disputes**, and efforts made to address the risks and uncertainties posed by the undertaking;
- was **appropriate support** made available to participants;
- was the consultation program **evaluated and adjusted** as necessary;
- is the **documentation** clear and concise, include commitments made and agreements reached, and indicate the program was traceable and replicable.

## 7.2 Resolution of Outstanding Issues and Conflicts

In the event that the government review determines the submission is acceptable, the EA Branch may then proceed to develop certain Terms and Conditions to address those issues and conflicts which remain outstanding. The EA Branch will in turn propose these to the proponent and parties for their consideration.



### 7.3 Implementing Terms and Conditions

If the Minister accepts the recommendation that the undertaking be approved with certain Terms and Conditions, the proponent is required to ensure they are met. Effective monitoring is critical to maintaining a constructive relationship between proponents and those affected. Proponents are encouraged to involve affected parties in the monitoring process — perhaps through a Community Liaison Committee, regular newsletters, Open Houses, the distribution of monitoring reports — and assign appropriate resources to effectively do this.

### 7.5 Consultation if a submission is referred to a hearing

Increasingly, both the Environmental Assessment Board and the Consolidated Hearings Board are emphasizing the need for parties to reach agreement on as many issues as possible, prior to a formal hearing. In their Protocol for Consideration of Agreements among Parties, the EA Board states it will accept and formally adopt agreements if:

- they represent the combined interests of the proponent, those affected, regulatory authorities, and other affected governments; and
- the project is consistent with the purpose and provisions of all relevant legislation and is in the public interest.<sup>8</sup>

The Board requires logical and traceable documentation to explain the rationale for the agreements reached. The Board may or may not request additional evidence be provided orally. The Board may deem a formal hearing is not necessary and will approve the project if, following a public meeting, the following conditions are met:

- the parties are able to arrive at an agreement;
- the parties are willing to waive their right to a hearing;
- the Board is satisfied with the documentation, and
- considers the undertaking is in the public interest.

Throughout construction, a proponent set up information kiosks at the job sites to provide information on work progress. It also set up a toll-free telephone number for the public to obtain any additional information, or report any new concerns.

<sup>8</sup>See **Protocol for Consideration of Agreements among Parties** (1994), The Environmental Assessment Board of Ontario



Alternative Dispute Resolution (ADR) is an increasingly popular practice to settle disputes outside of a judicial process and may be appropriate prior to the commencement of a formal hearing. ADR includes similar conflict resolution techniques as those discussed in Section 5.0 of this Guideline, and proponents are encouraged to reconsider their applicability at this stage in the process.

It may be that parties are not able to arrive at an agreement that resolves all of the outstanding issues. Parties are encouraged to settle as much as they can, and bring to the Board only those issues that remain unresolved. This results in what is often called a “scoped hearing” and a more efficient and less costly process.



This Guidance document has been provided to assist proponents in doing good environmental planning that incorporates the views of those affected or with an interest in particular problem or opportunity. There is no single blueprint for effective consultation, and innovative ideas are being introduced into the practice of environmental planning all the time.

Although never the same, generally good consultation programs:

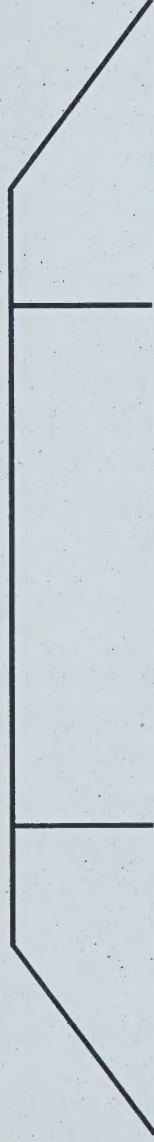
- generate benefits to all who participate;
- are guided by some explicit principles;
- share some common elements or attributes;
- and exhibit similar indications that the input received has made a difference.

This Guideline on Consultation in the Environmental Assessment Process sets these out for consideration and adoption by those with an interest in bettering the quality of environmental decision-making in Ontario.



# EFFECTIVE CONSULTATION AND THE EA PROCESS

## Protection, Conservation, and Wise Management of Ontario's Environment



| BENEFITS                                                                                                                                                                                                                                                                  | PRINCIPLES                                                                                                                                                           | ELEMENTS                                                                                                                                                                                                                                                                                                                                                                                                        | INDICATIONS                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• First Hand Information</li> <li>• Better Informed, Environmentally-Sound Decisions</li> <li>• Potentially Affected Help Determine Mitigation</li> <li>• Compliance With Permits, Licences and Regulatory Requirements</li> </ul> | <ul style="list-style-type: none"> <li>• Respect</li> <li>• Clarity</li> <li>• Accessibility</li> <li>• Mutual Responsibility</li> <li>• Community Values</li> </ul> | <ul style="list-style-type: none"> <li>• Identification of Agencies and Interested Parties</li> <li>• Clear Objectives</li> <li>• Appropriate Resources</li> <li>• Appropriate Methods</li> <li>• Identification of Issues</li> <li>• Integration of Consultation Inputs</li> <li>• Resolution of Issues and Conflicts</li> <li>• Participant Support</li> <li>• Documentation</li> <li>• Evaluation</li> </ul> | <ul style="list-style-type: none"> <li>• Interested Parties and Agencies Participate in Process</li> <li>• Input Was Useful and Affects Decisions</li> <li>• Issues and Conflicts Were Raised and Where Possible, Resolved</li> <li>• Documentation Shows Process Followed and Results</li> <li>• Unresolved Issues are Clear</li> </ul> |



## Glossary

*The following are from the Dec. MOEE Draft Planning and Approvals Guide for Individual Environmental Assessment Projects except where shown in italic.*

### Alternative Dispute Resolution (ADR)

ADR is the process of using various conflict resolution techniques as an alternative to settling outstanding issues or conflicts at a joint panel or EA Board hearing. ADR is encouraged wherever it can assist in sound environmental decision-making and avoid the need for a costly hearing.

### Alternative Methods

Alternative methods of carrying out the undertaking are different ways of doing the same activity.

### Alternative To

Alternatives to the undertaking are functionally different ways of approaching and dealing with a problem or opportunity.

### Class EA Parent Document

An EA document that sets out a planning process particular to a class of undertakings which have predictable and mitigable environmental effects and are not of a size or scale warranting an individual EA.

### Class Project

A project that meets the requirements of the EA Act if planning for it follows the planning process set out in the class EA parent document.



## Conflict Resolution Techniques (CRT)

Various collaborative techniques used to assist participants in resolving outstanding issues or concerns with an EA. The parties in conflict may meet directly to solve outstanding problems together in an effort to reach a decision that is mutually acceptable. Techniques include the use of facilitation, mediation, negotiation and arbitration and reflect varying degrees to which a third (neutral) party is used to assist the process. MOEE encourages the use of CRT where appropriate to resolve issues throughout the EA process. If parties can agree upon a resolution then a bump-up or designation can be avoided.

## Consultation

The activities carried out by the proponent to involve interested stakeholders in the planning, implementation and monitoring of an undertaking. *A range of consultation styles are available and should be matched to the particular project circumstances.*

## EA Proposal (EAP)

A document which proposes how a proponent will undertake their EA planning. There are two types of EAPs. An individual EAP is prepared by the proponent for each project and sets out the planning process it proposes to follow to meet the requirements of the EA Act for that project. A sectoral EAP is the EAP used for an identified sector, or group, of undertakings and describes the planning process to be used for all projects within that group.

## Environmental Assessment (EA)

When used in relation to an undertaking, means an environmental assessment submitted pursuant to subsection 5(1).



## **Government Review Team**

The assigned staff from the EA Branch and various ministries and agencies (including MOEE technical reviewers who contribute to the review of an EA document by providing comments from their mandated areas of responsibility.

## **Individual EA**

An EA document submitted by a proponent for an undertaking which may not proceed unless it receives an approval under the EA Act and which may not be planned and implemented in accordance with a class EA parent document.

## **Intervenor Funding**

Intervenor funding is funding awarded to a person or group of persons that has been granted status as an intervenor in the proceeding before a board.

## **Participant Funding**

Money which is made available to stakeholders, by the proponent of an undertaking, so that they can more effectively participate in the planning of an undertaking.

## **Review Coordinator(s)**

The staff member or staff team of the MOEE's EA Branch who is/are assigned to coordinate, contribute to and prepare the review of an EA.

## **Stakeholder**

Any person, agency or group who has a direct interest in the purpose of a proposed undertaking.



## Terms and Conditions

Terms and conditions may be attached to an exemption or an approval and specify how an undertaking can or cannot be carried out. They may also be attached to a decision of the Minister not to bump-up an undertaking if the authority for that is established in the relevant Class EA parent document.

## Undertaking

An undertaking is an enterprise or activity or a proposal, plan or program related to an enterprise or activity of public bodies or a major commercial or business enterprise or activity or a proposal, plan or program designated by regulation.



## Guidance Documents on the EA Process Available from the Ontario Ministry of Environment and Energy...

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## Public Consultation Resources

### *Reference Material*

See Bibliography in MOEE, Public Consultation Guide, 1994  
(PIBS 2819, ISBN 0-7778-2274-1)



## **Appendix C**

### **AGENCY CONTACT LIST**

The following list illustrates typical agency contacts. An up-to-date, comprehensive list of contacts including contact names is maintained by the Environmental Assessment Branch of the MOEE who should be contacted to obtain a complete listing.

#### **Federal Departments and Agencies**

- Department of Fisheries and Oceans
- Transport Canada
- Environment Canada
  - Environmental Assessment Coordinating Committee
- Canadian Coast Guard
- Department of Native Affairs and Northern Development Canada

#### **Provincial Ministries and Agencies**

- Management Board Secretariat
- Ministry of Agriculture, Food and Rural Affairs
- Ministry of Culture, Tourism and Recreation
- Ministry of Economic Development and Trade
- Ministry of Education and Training
- Ministry of Environment and Energy
- Ministry of Health
- Ministry of Housing
- Ministry of Labour
- Ministry of Municipal Affairs
- Ministry of Natural Resources
- Ministry of Northern Development and Mines
- Ontario Native Affairs Secretariat
- Ministry of Transportation

#### **Conservation Authorities**

- as applicable to the study area

#### **Regional and Local Municipalities**

- as applicable to the study area

#### **Other Agencies**

- railways
- Go transit
- transit authorities
- Niagara Escarpment Commission or other special planning authorities
- Niagara Parks Commission
- Ontario Hydro
- St. Lawrence Seaway Authority



- Waterfront Trust Regeneration Agency
- affected utilities (e.g. gas, telephone, hydro, cable TV)
- local Medical Officer of Health
- public health agencies
- ambulance services
- Ontario Provincial Police
- local police department
- Office of the Local Fire Marshall and/ or local fire departments (instead of the Ministry of the Solicitor General - Office of the Fire Marshall)
- local colleges, universities or other institutes of learning (instead of the Ministry of Colleges and Universities)
- school boards

#### **First Nations**

- Nishnawbe-Aski Nation (NAN)
- Robinson-Superior Treaty Council
- Band Councils (as applicable to the study)



Preparation incomplete at time of publication



## Addressing Common Problems Associated with Consultation

### PROBLEM

### COMMENTS

**Consultation is slowing down the EA Planning Process**

Obtaining local information is critical to doing sound technical work. An oversight can cost a proponent both time and money if it requires going back and re-doing technical work. Ensuring that every reasonable opportunity has been provided to obtain information from local residents, those most familiar with the area, and any others who may have specialized expertise adds value to an EA planning process.

Although perhaps requiring extra time at the beginning, consultation will in the long run be well worth the extra effort and may potentially avoid a hearing. Proponents are encouraged to develop study schedules which realistically account for the time it takes to solicit, obtain and incorporate input from interested parties and agencies.

**A low level of public interest in the undertaking means there is no interest or opposition**

A thorough knowledge of a community – what pressing issues it is facing, what interests are most dominant, what history it has in coping with change – will benefit a proponent in its efforts to consult. The community may have been previously divided over another project, or has in the past been known for its willingness to accept new ideas. Others may have a reputation for showing less interest in projects affecting their community.

Some communities may turn out to public meetings, others may have a preference for kitchen-table conversations. A low turn-out at events does not necessarily mean an absence of interest or concern. Proponents are encouraged to consider the history of the community and to know to which styles of consultation they respond best, and further to see if there are any barriers to the public participating and how these might be remedied.

**Members of the Study Team or the proponent are only interested in technical input from experts**

Increasingly, anyone working in the environmental assessment process has an appreciation of the importance of heeding the input received from both the public and agencies. In previous decisions, the Environmental Assessment Board has placed a high value on information received from members of the community. But there are still some from whom we have difficulty validating input received from non-technical sources. Others believe the public won't understand technical issues, therefore there is no real point in explaining it to them.

Members of the public are often very knowledgeable about their community. They know the soil conditions because they farm it, the wild life because they hunt for it, the vegetation because they hike through it. Although not always technically educated, the public brings to the proponent and its consultants direct knowledge of the study area. Proponents will find it to their advantage to take a balanced approach which validates both the 'collective wisdom' of the local community and the knowledge of retained 'experts'.

The proponent is the one who sets the tone for how consultation findings are received. If the proponent makes clear the value it places on consultation findings, technical consultants will follow suit.



Addressing Common Problems Associated with Consultation continued

| PROBLEM                                                      | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The 'silent majority' is not being heard                     | <p>In any public process there are participants who makes their views known more aggressively than others. This is particularly true when the undertaking is in any way contentious. Proponents often have difficulty determining how widespread a particular point of view may be. In these cases, proponents may find it valuable to put in place some additional measures to identify if a consensus exists. Telephone surveys, questionnaires, focus groups, toll free phone services may provide a broader indication of community views than the views expressed at a public meeting.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| The issues being raised are beyond the mandate of the EA Act | <p>Knowledge of a community and its history will help a proponent respond to issues that may be raised as a result of its consultation program. Undertakings can often be the lightning rod in a community for other, perhaps completely un-related issues.</p> <p>Proponents are encouraged to respect the varying interests of those who choose to participate in the consultation program. When issues or problems are raised over which the proponent has no control, it is more effective to provide participants with information on where they would be best to direct their concern, rather than simply denying the validity of their concern with a "it's not our responsibility" response.</p> <p>Once again, it is in the best interests of the proponent to ensure there are no barriers to the participation of those parties with an interest in the undertaking. Other issues and concerns can threaten to 'de-rail' an EA planning process. Hence, providing information on where those concerns should be directed can only benefit the process.</p> |
| Elected officials are not supportive of the process          | <p>Proponents are encouraged to involve elected officials early in the process, encourage their frank participation, while recognizing that politicians remain accountable to their constituents once an undertaking is complete, and must live with the results.</p> <p>Throughout the consultation program, the proponent is encouraged to emphasize with participants that the EA planning process is a legislated one and that the process is designed to be impartial. Allegations that the process is being tinkered with, that the politicians knew what they wanted before they started, should be countered with a clear indication of the decision-making steps the proponent has followed and where participant input has made a difference.</p>                                                                                                                                                                                                                                                                                                           |



|                                                              |                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Consider Alternatives to Address the Problem or Opportunity  | Involve interested parties and agencies in the evaluation of alternatives to the undertaking                     | <ul style="list-style-type: none"> <li>-consult on the evaluation of alternatives to the undertaking including the criteria, data, evaluation methods, and results of the evaluation</li> <li>-identify areas of agreement and dispute and attempt to resolve any disputes</li> <li>-evaluate the effectiveness of the Consultation Plan</li> </ul> | <ul style="list-style-type: none"> <li>-preferred alternative to the undertaking</li> <li>-list of issues resolved or requiring further consultation</li> <li>-adjustments to the Consultation Plan</li> <li>-documentation of consultation process to date</li> </ul>                                                                                                         |
| Consider Alternative Methods of Carrying Out the Undertaking | Involve interested parties and agencies in the evaluation of alternative methods of carrying out the undertaking | <ul style="list-style-type: none"> <li>-consult on the evaluation of alternatives methods including the criteria, data, evaluation methods, and results of the evaluation</li> <li>-identify areas of agreement and dispute and attempt to resolve any disputes</li> <li>-evaluate the effectiveness of the Consultation Plan</li> </ul>            | <ul style="list-style-type: none"> <li>-preferred method(s) of carrying out the undertaking</li> <li>-list of issues resolved or requiring further consultation</li> <li>-adjustments to the Consultation Plan</li> <li>-documentation of consultation process to date</li> </ul>                                                                                              |
| Identify the Undertaking                                     | Consult with interested parties and agencies regarding the preferred undertaking                                 | <ul style="list-style-type: none"> <li>-consult on the preferred undertaking including advantages and disadvantages, the do nothing alternative, mitigation and monitoring</li> <li>-identify areas of agreement and dispute and attempt to resolve any disputes</li> <li>-evaluate the effectiveness of the Consultation Plan</li> </ul>           | <ul style="list-style-type: none"> <li>-an understanding of the effects associated with the preferred alternative and necessary mitigation, monitoring and compensation where applicable</li> <li>-list of issues resolved or requiring further consultation</li> <li>-adjustments to the Consultation Plan</li> <li>-documentation of consultation process to date</li> </ul> |
| Prepare Documentation and Submit to Minister                 | Consult with interested parties and agencies regarding the draft documentation (optional)                        | -obtain comments on the draft documentation addressing the planning process and public and agency input to the decisions made (optional)                                                                                                                                                                                                            | -draft and final documentation of the planning and consultation process                                                                                                                                                                                                                                                                                                        |



|                                                                                                                                                   |                                                                                                                              |                                                                                                                                                                                              |                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Review of EA Documentation ,<br>Notice and Minimum 30 Day Public<br>Comment Period                                                                | Interested parties and agencies<br>participate in final review of<br>documents                                               | -MOEE coordinates government<br>and public review of EA<br>documents.<br>-interested parties review<br>Government Review after it is<br>released<br>-minimum 30 day public comment<br>period | -Government Review of EA<br>documents<br>-public comments on the EA and<br>Government Review documents<br>including written comments and<br>suggested terms and conditions     |
| Minister's Decision:<br>Minister/Cabinet EA Approval<br>Decision OR Board Hearing Process<br>( <i>Careful review of this section<br/>needed</i> ) | If hearing is called, interested<br>parties and agencies participate in<br>the final decision-making process<br>by the Board | -interested parties and agencies<br>participate in Board hearing<br>process if required                                                                                                      | -final decision regarding whether<br>or not the undertaking is approved                                                                                                        |
| Implementation                                                                                                                                    | Involvement of interested parties<br>and agencies in implementing the<br>undertaking                                         | -interested parties and agencies are<br>consulted regarding terms and<br>conditions for construction,<br>operation, monitoring, and closure<br>(where applicable)                            | -public and agency involvement in<br>implementation (e.g. monitoring<br>committee, administering<br>complaints procedures or<br>participating in public education<br>programs) |



